

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L. Madoff
Investment Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff,

Plaintiff,

v.

THE HEBREW UNIVERSITY OF JERUSALEM,
VISSUM RESEARCH DEVELOPMENT
COMPANY OF THE HEBREW UNIVERSITY OF
JERUSALEM LTD., BEN-GURION UNIVERSITY
OF THE NEGEV, B.G. NEGEV TECHNOLOGIES
AND APPLICATIONS LTD., THE WEIZMANN
INSTITUTE OF SCIENCE, and BAR ILAN
UNIVERSITY,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 21-01190 (CGM)

AMENDED DECLARATION OF FERNANDO A. BOHORQUEZ, JR.
IN SUPPORT OF TRUSTEE'S MEMORANDUM OF LAW
IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS

I, Fernando A. Bohorquez, Jr., declare the following:

1. I am a member of the New York Bar and a partner with the law firm of Baker & Hostetler LLP, counsel to Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*III*, and the chapter 7 estate of Bernard L. Madoff.

2. I submit this Amended Declaration¹ in support of the Trustee’s Memorandum of Law in Opposition to Defendants The Hebrew University of Jerusalem (“Hebrew University”), Yissum Research and Development Company of the Hebrew University of Jerusalem Ltd. (“Yissum”), Ben-Gurion University of the Negev (“BGU”), B.G. Negev Technologies and Applications Ltd. (“B.G. Negev”), The Weizmann Institute of Science (“Weizmann”), and Bar Ilan University’s (“Bar Ilan”) Motion to Dismiss.

3. The documents attached to this Amended Declaration are from (a) public sources, (b) various productions in, and/or have been made available in, the Magnify/YHA Action and the Israeli Action, as defined below, and (c) the Yeshaya Horowitz Association (“YHA”) public file with the Israeli Registrar of Companies. To the extent applicable, all personally identifiable information has been redacted.

4. Attached as Exhibit 1 is a true and correct copy of the Statement of Claim filed by the Trustee against multiple entities (the “Israeli Defendants”) in Israel (the “Israeli Action”), CivC

¹ The Trustee respectfully submits this Amended Declaration to replace the original Declaration of Fernand A. Bohorquez, Jr. in Support of Trustee’s Memorandum of Law in Opposition to Defendants’ Motion to Dismiss, filed on June 15, 2022, ECF No. 37. This Amended Declaration includes two supplemental documents to Exhibits 16 and 33, respectively, that were inadvertently omitted. Those supplemental exhibits are filed herewith; the remaining Exhibits referred to as “Attached” were filed with the original Declaration and can be found at ECF No 27. The Trustee has conferred with Defendants, and they have no objection to this filing.

(DC TA) 18909-12-15 Picard v. The Hebrew University of Jerusalem, et al. (Dec. 9, 2015) (Isr.) (PUBLIC0693256.C0001) (Certified Translation).

5. Attached as Exhibit 2 is a true and correct copy of Israeli Unjust Enrichment Law 5739-1979 available at United Nation's World Intellectual Property Organization website (Jun. 10, 2022), <https://wipolex.wipo.int/en/text/347628> (PUBLIC0693301).

6. Attached as Exhibit 3 is a true and correct copy of the Statement of Defense on behalf of Hebrew University and Yissum in the Israeli Action, CivC (DC TA) 18909-12-15 Picard v. The Hebrew University of Jerusalem, et al. (May 31, 2016) (Isr.) (PUBLIC0693163.C0001) (Certified Translation).

7. Attached as Exhibit 4 is a true and correct copy of the Statement of Defense on behalf of BGU and B.G. Negev in the Israeli Action, CivC (DC TA) 18909-12-15 Picard v. The Hebrew University of Jerusalem, et al. (May 31, 2016) (Isr.) (PUBLIC0693212.C0001) (Certified Translation).

8. Attached as Exhibit 5 is a true and correct copy of Filing Certificates in the Israeli Action, CivC (DC TA) 18909-12-15 Picard v. The Hebrew University of Jerusalem, et al. (Oct. 14, 2020 and Aug. 19, 2021) (Isr.) (PUBLIC0693145.C0001) (Certified Translation).

9. Attached as Exhibit 6 is a true and correct copy of the Israeli Supreme Court Decision regarding the Anti-Suit Injunction filed by the Israeli Defendants in the Israeli Action, Civ.A. 2459/20 Hebrew University of Jerusalem v. Picard, (Nevo Database, June 25, 2020) (Isr.) (PUBLIC0693149.C0001) (Certified Translation).

10. Attached as Exhibit 7 is a true and correct copy of an excerpt from the YHA public file with the Israeli Registrar of Companies entitled YHA Articles of Association (PUBLIC0593780.0004).

11. Attached as Exhibit 8 is a true and correct copy of the Bar-Ilan University School of Business Administration Professor Amnon Caspi webpage, (Jun. 10, 2022), <https://mba.biu.ac.il/en/node/864> (PUBLIC0693303).

12. Attached as Exhibit 9 is a true and correct copy of an excerpt from the YHA public file with the Israeli Registrar of Companies entitled YHA Financial Statements as of December 31, 2004 (PUBLIC0593780.C0001, excerpt PUBLIC0593780.0171-.0181) (Certified Translation).

13. Attached as Exhibit 10 is a true and correct copy of a letter from Itzhak Amir and Ayala Nahir to Bernard L. Madoff re: A\C 1-05119-3, excerpted from the YHA BLMIS Account 1FN037 Account Maintenance File available in Electronic Data Room 1 (AMF00070404 at AMF00070633).

14. Attached as Exhibit 11 is a true and correct copy of a letter from Anthony Tiletnick, BLMIS, to Bankers Trust Company, to wire the sum of \$250,000 to Bank Leumi Le Israel, Acct. No. ending in 0141 for credit to Hebrew University (Dec. 5, 1995), excerpted from the YHA BLMIS Account 1FN037 Account Maintenance File available in Electronic Data Room 1 (AMF00070404 at AMF00070583).

15. Attached as Exhibit 12 is a true and correct copy of “Update from the Hebrew University of Jerusalem” (April 2002) (PUBLIC0693307), <https://web.archive.org/web/20021013044919/http://atar.mscc.huji.ac.il:80/~pubrel/update.html>.

16. Attached as Exhibit 13 is a true and correct copy of YHA General Assembly Meeting Minutes (Jul. 18, 1997), produced by the defendants in *Picard v. Magnify, Inc., et al. (In re Bernard L. Madoff)*, Adv. Pro. No. 10-05279 (BRL) (the “Magnify/YHA Action”) (MPSYGE 01127.C0001) (Certified Translation).

17. Attached as Exhibit 14 is a true and correct copy of YHA General Assembly Meeting Minutes (Aug. 2, 1998), produced by the defendants in the Magnify/YHA Action (MPSYGE 01115.C0001) (Certified Translation).

18. Attached as Exhibit 15 is a true and correct copy of YHA General Assembly Meeting Minutes (Apr. 17, 2000), produced by the defendants in the Magnify/YHA Action (MPSYGE 01093.C0001) (Certified Translation).

19. Attached as Exhibit 16 is a true and correct copy of an Agreement between YHA and Hebrew University (Apr. 22, 1999), produced by the defendants in the Magnify/YHA Action (YESHAYA0049715.C0001) (Certified Translation). Also attached is a true and correct copy of an Agreement between YHA and Hebrew University (May 12, 2004), produced by the defendants in the Magnify/YHA Action (YESHAYA0050286.C0001) (Certified Translation).

20. Attached as Exhibit 17 is a true and correct copy of an Agreement between YHA and Hebrew University, Weizmann, and Hadassah Medical Association (Nov. 19, 1997), produced

by the defendants in the Magnify/YHA Action (YESHAYA0049349.C0001) (Certified Translation).

21. Attached as Exhibit 18 is a true and correct copy of an Agreement between YHA and Bar Ilan (Apr. 1999), produced by Bar Ilan and Bar Ilan Research and Development Company Ltd. (“BIRAD”) in the Israeli Action (18909-12-15_BISBIRAD-0000206.C0001) (Certified Translation).

22. Attached as Exhibit 19 is a true and correct copy of a Supplement to Agreement between YHA and Bar Ilan (Mar. 25, 2001), produced by the defendants in the Magnify/YHA Action (YESHAYA0046086.C0001) (Certified Translation).

23. Attached as Exhibit 20 is a true and correct copy of YHA General Assembly Meeting Minutes (Feb. 4, 1999), produced by the defendants in the Magnify/YHA Action (MPSYGE 01108.C0001) (Certified Translation).

24. Attached as Exhibit 21 is a true and correct copy of a letter from Nahir to Moshe Solomon at Bar Ilan Regarding the Salary of “Cranet Director,” copying Prof. Amnon Caspi (Jan. 7, 2004), produced by the defendants in the Magnify/YHA Action (YESHAYA0044630.C0001) (Certified Translation).

25. Attached as Exhibit 22 is a true and correct copy of Financial Reports from the Deputy Director-General Finance at Bar Ilan addressed to Nahir, produced by the defendants in the Magnify/YHA Action (YESHAYA0040250.C0001) (Certified Translation).

26. Attached as Exhibit 23 is a true and correct copy of YHA General Assembly Meeting Minutes (Sept. 25 and 28, 2001), produced by the defendants in the Magnify/YHA Action (MPSYGE 01079.C0001) (Certified Translation).

27. Attached as Exhibit 24 is a true and correct copy of an Agreement between YHA and Bar Ilan (Aug. 21, 2005), produced by Bar Ilan and BIRAD in the Israeli Action (18909-12-15_BISBIRAD-0000219.C0001) (Certified Translation).

28. Attached as Exhibit 25 is a true and correct copy of the Bar-Ilan University Former University Presidents webpage (Jun. 10, 2022), <https://www.biu.ac.il/en/about-biu/management-and-faculty/former-presidents> (PUBLIC0693305).

29. Attached as Exhibit 26 is a true and correct copy of an Agreement between YHA and Bar Ilan (Jan. 1, 2002), produced by the defendants in the Magnify/YHA Action (YESHAYA0047146.C0001) (Certified Translation).

30. Attached as Exhibit 27 is a true and correct copy of a letter from Yair Green to Moshe Kaveh, President of Bar Ilan (Dec. 3, 2002), produced by Bar Ilan and BIRAD in the Israeli Action (18909-12-15_BISBIRAD-0000179.C0001) (Certified Translation).

31. Attached as Exhibit 28 is a true and correct copy of an HSBC Client Profile Form regarding BGU, produced by HSBC Bank USA, N.A. in the Magnify/YHA Action (HBUS-TRUSTEE060522).

32. Attached as Exhibit 29 is a true and correct copy of an HSBC KYC Profile regarding BGU, produced by HSBC Bank USA, N.A. in the Magnify/YHA Action (HBUS-TRUSTEE060518).

33. Attached as Exhibit 30 is a true and correct copy of a letter from HSBC to BGU, Re: Account ending in 9947, Fairfield Sentry LTD Fund (May 5, 2009), produced by HSBC Bank USA, N.A. in the Magnify/YHA Action (HBUS-TRUSTEE062573).

34. Attached as Exhibit 31 is a true and correct copy of a letter from Irun Cohen, CSED, to Green, Re: Grants – the Center for the Study Emerging Diseases (Aug. 4, 2003), produced by the defendants in the Magnify/YHA Action (YESHAYA0051021.C001) (Certified Translation).

35. Attached as Exhibit 32 is a true and correct copy of YHA General Assembly Meeting Minutes (Jan. 2, 2006), produced by the defendants in the Magnify/YHA Action (MPSYGE 00632.C0001) (Certified Translation).

36. Attached as Exhibit 33 is a true and correct copy of YHA General Assembly Meeting Minutes (July 3, 2008), produced by the defendants in the Magnify/YHA Action (YESHAYA0045124.C0001) (Certified Translation). Also attached is a true and correct copy of YHA General Assembly Meeting Minutes (Apr. 3, 2008), produced by the defendants in the Magnify/YHA Action (MPSYGE 00991.C0001) (Certified Translation).

37. Attached as Exhibit 34 is a true and correct copy of a Contract Addition to an Agreement between YHA and BGU (Nov. 5, 2000), produced by the defendants in the Magnify/YHA Action (YESHAYA0052151.C0001) (Certified Translation).

38. Attached as Exhibit 35 is a true and correct copy of an Addendum to an Agreement between YHA and BGU (Oct. 23, 2005), produced by the defendants in the Magnify/YHA Action (YESHAYA0048540.C0001) (Certified Translation).

39. Attached as Exhibit 36 is a true and correct copy of YHA General Assembly Meeting Minutes (Feb. 10, 2005), produced by the defendants in the Magnify/YHA Action (MPSYGE 01029.C0001) (Certified Translation).

40. Attached as Exhibit 37 is a true and correct copy of a letter from Cohen, CSED, to Dr. Yaffa Mizrachi, BGU (June 25, 2001), produced by the defendants in the Magnify/YHA Action (YESHAYA0052145).

41. Attached as Exhibit 38 is a true and correct copy of a letter from Cohen, CSED, to himself in his capacity as Professor at Weizmann (July 4, 2000), produced by the defendants in the Magnify/YHA Action (YESHAYA0051843).

42. Attached as Exhibit 39 is a true and correct copy of a letter from Cohen, CSED, to himself in his capacity as Professor at Weizmann (June 25, 2001), produced by the defendants in the Magnify/YHA Action (YESHAYA0051818.C0001) (Certified Translation).

43. Attached as Exhibit 40 is a true and correct copy of an Agreement between YHA and B.G. Negev (Sept. 25, 2001), produced by BGU and B.G. Negev in the Israeli Action (18909-12-15_BGUNegev-0000826.C0001) (Certified Translation).

44. Attached as Exhibit 41 is a true and correct copy of the Expert Opinion of the Hon. Judge (Ret.) Randall J. Newsome (Dec. 15, 2016), submitted on behalf of the Trustee in the Israeli Action (PUBLIC0693237).

Pursuant to 28 U.S.C. §1746, I hereby declare under penalty and perjury that the foregoing statements are true and correct.

Dated: June 27, 2022
New York, New York

Respectfully submitted,
BAKER & HOSTETLER LLP

By: /s/ Fernando A. Bohorquez, Jr.
Fernando A. Bohorquez, Jr.